

REMARKS

This Request is filed in response to the Final Office Action of February 19, 2010 in which claims 1, 3-8, 11-17, 22, 23, 28 and 29 were identified as pending in the application and claims 22, 23 and 28 as being withdrawn from consideration. In the Final Office Action, claims 1, 3-8, 11-17 and 29 were Examined on the merits for the first time. All previous Office Actions have not had anything to do with the merits but rather a series of Restriction Requirements dated July 9, 2008, December 4, 2008, May 13, 2009 and October 22, 2009. These four separate Restriction Requirements did not contain any rejections on the merits. Therefore, it is believed that the finality of the Office Action of February 19, 2010 is premature and withdrawal of the finality thereof is requested.

Respectfully submitted,

/Francis J. Maguire/

Francis J. Maguire
Attorney for the Applicant
Registration No. 31,391

FJM/lk
WARE, FRESSOLA, VAN DER SLUYS
& ADOLPHSON LLP
755 Main Street, P.O. Box 224
Monroe, Connecticut 06468
(203) 261-1234